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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/891,696	06/26/2001	Daniel Leonard Paulo	PN01032AA	1776
20280	7590	10/11/2005	EXAMINER	
MOTOROLA INC 600 NORTH US HIGHWAY 45 ROOM AS437 LIBERTYVILLE, IL 60048-5343			NGUYEN, CUONG H	
			ART UNIT	PAPER NUMBER
			3661	
DATE MAILED: 10/11/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

## *M* Office Action Summary

Application No.	Applicant(s)	
09/891,696	PAULO ET AL.	
Examiner	Art Unit	
CUONG H. NGUYEN	3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1) Responsive to communication(s) filed on 19 July 2005.  
2a) This action is **FINAL**.                  2b) This action is non-final.  
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

4) Claim(s) 1,11,35,36 and 38-42 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) Claim(s) \_\_\_\_\_ is/are allowed.  
6) Claim(s) 1,11,35,36 and 38-42 is/are rejected.  
7) Claim(s) \_\_\_\_\_ is/are objected to.  
8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

9) The specification is objected to by the Examiner.  
10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

1) Notice of References Cited (PTO-892)  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)  
6) Other: \_\_\_\_\_

## **DETAILED ACTION**

1. This Office Action is the answer to the amendment submitted on 7/19/2005.
2. Claims 1-42 were pending; claims 2-10, 12-34, 37, and 41 have been canceled in this application.

### **Response to Amendment**

3. The examiner respectfully submits that the amendment necessitates a new ground of rejection; the arguments are moot.

### **Claim Rejections - 35 USC § 103**

4. **Claims 1, 11, 35-36, 38-40, and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hall et al. (US Pat. 6,026,375), in view of Krishnaswamy et al. (US Pat. 6,909,708).**

A. As per claims 1, and 35: Hall et al. teach a method of ordering goods/services including:

- receiving a request for the goods/services from a user (see Hall et al., Fig.1 - customer 100, and Fig.6A ref.606) by way of a device;
- accessing a database having information relevant to said user and preferences related to said goods/services (see Hall et al., Figs.1, 3 – Mobile Customer Premises Equipment 105 & Service Provider’s System 150, and Fig. 6B ref.662);
- selecting a store associated with a provider of said goods/services (see Hall et al., Figs.1, 3 – Service Provider’s System 150, and Fig. 6B ref.664);
- forwarding an order for the goods/services to said store, said order dependent on said information (see Hall et al., Fig.6C – ref.670);

- receiving a reply regarding said order from said store (see Hall et al., Fig.6C – ref.675); and
- sending a response to said device (see Hall et al., Fig.6C – refs. 675, and step 678 inherently teaches that Customer receives a response from a Service Agent).

  

- Hall et al. is silence about formulating a response concerning said order and said reply.
- However, Krishnaswamy et al. suggest that Product Management 2116 (see Krishnaswamy et al., Fig.20) creates a response for marketing and customer services; Krishnaswamy et al. also suggest about using a store's business address (or optional Zip Code in searching) in profile information (see Krishnaswamy et al., Fig. 10F "ORDER ENTRY SYSTEM" 1945).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine Hall et al. and Krishnaswamy et al. to disclose a about a capability of formulating/searching for a response concerning a related order for the advantage of keeping a good relationship with customer by informing about their order and shipment status.

B. Re. to claims 11, and 36: The rationales and references for a rejection of claim 1 are incorporated herein.

Hall et al. teach a step of receiving a request includes receiving said request from a mobile device that is web enabled (see Hall et al., col. 5 lines 8-12, and col. 5 line 66 to col. 5 line 3).

C. Re. to claim 38:

The rationales and references for a rejection of claim 1 are incorporated herein.

- Hall et al. teach a step of matching a “local” facility with customer’s goods/services – selecting a store based on customer’s address – as a conventional rule, this address would comprise a zip code plus four (see Hall et al., Fig.1, refs. 172, 174, 176; and Krishnaswamy et al. also suggest about using a store’s business address (or optional Zip Code in searching) in profile information (see Krishnaswamy et al., Fig. 10F “ORDER ENTRY SYSTEM” 1945).

The motivation of using a zip code plus four for a destination address is clearly a convenience with sorting at a post office.

D. Re. to claim 42:

The rationales and references for a rejection of claim 1 are incorporated herein.

Hall et al. inherently teach a step of formulating an acknowledgment of customer’s order and sending said acknowledgment using a wireless access protocol message (see Hall et al., Fig.1, Customer 100; col. 5 lines 8-12, col. 6 lines 1-3; Fig.6C – refs. 675, and step 678 obviously suggest that Customer receives a response from Service Agent via wireless communication).

E. Re. to claim 39:

The rationales and references for a rejection of claim 1 are incorporated herein.

Hall et al. teach a step of selecting a store based on available facility nearby a customer’s address for quick in-person pick-up fast-food meal processes/perishable items (load management/ preferential business placement), (see Hall et al., col. 1 lines 33-52, and col. 2 lines 1-11).

F. Re. to claim 40:

The rationales and references for a rejection of claim 1 are incorporated herein.

Hall et al. teach a step of forwarding information indicative of said store to requested customer (i.e., for picking up order - see Hall et al., Fig.6C, refs. 675, 678, and 695).

### **Conclusion**

5. Claims 1, 11, 35-36, 38-40, and 42 are not patentable. Because applicants amend pending claims, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicants are reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CUONG H. NGUYEN whose telephone number is 571-272-6759. The examiner can normally be reached on 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THOMAS G. BLACK can be reached on 571-272-6956. The fax phone number for the organization where this application is assigned is 703-305-7687.

Serial Number: 09/891,696  
Art Unit 3661

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



CUONG H. NGUYEN  
Primary Examiner  
Art Unit 3661